

REMARKS

Claims 1-23 are pending in the application.

Interview

The Applicants thank the Examiner for the interview conducted on March 20, 2005. During the interview the Applicants discussed the cited prior art in relation to the pending claims. The Examiner **acknowledged** that the cited prior art failed to disclose or suggest the claimed features.

The Examiner performed an updated search subsequent to the interview conducted on March 20, 2005. Three additional prior art references were faxed to the Applicants on March 24, 2005 for review. The Applicants had another interview on April 5, 2005 to discuss the newly cited prior art references. The Examiner **acknowledged** that the newly cited prior art failed to disclose or suggest the claimed features.

Claims 1, 2, 5-9, 11-16 and 18-23 over Baran

In the Office Action, claims 1, 2, 5-9, 11-16 and 18-23 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Baran et al., U.S. Patent No. 4,893,333 ("Baran"). The Applicants respectfully traverse the rejection.

Claims 1, 2, 5-9, 11-16 and 18-23 recite textually converted data that is sender information placed in a header.

As discussed above, the Examiner acknowledged in the interview conducted on March 20, 2005 that Baran fails to disclose or suggest the claimed features. The discussion below of Baran's invention mirrors the discussion during the interview.

Baran appears to disclose facsimile transceivers to interactively select and retrieve facsimile pages from a shared facsimile database FAX serve system (See Abstract). A user fills in information on a selector sheet, such as an advertisement, and transmits at least bar code portions of the advertisement via a FAX transceiver (See Baran, col. 7, lines 5-20). Hand printed characters on the selector sheet are read by a receiving FAX server and used to send

information back to a user (See Baran, col. 7, lines 21-39). A user can fill out personal information on the request for information from the FAX server (See Baran, Fig. 2).

Although Baran discloses textually converted data being personal information of a sender, the textually converted data is **NOT** placed in a header, as recited by claims 1, 2, 5-9, 11-16 and 18-23.

The Examiner points to Baran Fig. 2a-2c as disclosing scanned sender information in a header portion of an outgoing facsimile (See Office Action, page 3). However, neither of Figs. 2a-2c, nor any other of Baran's Figs. show any header. A header is a portion of a document at the very top of a page conveying information about a document, e.g., for FAXs the sender name and telephone number is typically included in a header of a document. Any other interpretation would be inconsistent with the interpretation that those skilled in the art would reach, and hence would be unreasonable. Cf. In re Cortright, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

Finally, the broadest reasonable interpretation cannot be inconsistent with the specification, which illustrates the claimed header (see, e.g., Figure 2). Hence, "claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their broadest reasonable interpretation." MPEP ' 2111.01 at 2100-37 (Rev. 1, Feb. 2000) (quoting In re Marosi, 218 USPQ 289, 292 (Fed. Cir. 1983)(emphasis in original)).

Claims 1, 2, 5-9, 11-16 and 18-23 recite textually converted data that is transmitted in place of a default header.

Baran discloses textually converted data that is used to retrieve facsimile pages from a shared facsimile database FAX serve system. Baran fails to disclose or suggest using a default header, much less textually converted data that is transmitted in place of a default header, as recited by claims 1, 2, 5-9, 11-16 and 18-23.

The Examiner's Remarks section of the Office Action alleges that Baran's discloses Figs. 2a-2c and col. 6, lines 49-55 and col. 8, lines 15-20 that

header information is read by reader 24 and is placed in boxes that form sheet shown in Figs. 2a-2c (See Office Action, page 8). However, during the interview on March 25, 2005 the Examiner **acknowledged** that Baran discloses information that is optical character recognized upon receipt to allow a source of information to send information to a requestor of information. Baran fails to disclose or suggest textually converting data that is **transmitted**, much less textually converted data that is transmitted in place of a default header, as recited by claims 1, 2, 5-9, 11-16 and 18-23.

A benefit of a header based on and identified textually converted information and data is, e.g., the ability to share a fax machine in an office. In an office that shares a fax machine, a plurality of users may want to have a header for their fax that is customized. By having a header based on textually converted information and data, a page within a fax can be textually converted and used to create a custom header for each individual user within an office in place of a default header.

Accordingly, for at least all the above reasons, claims 1, 2, 5-9, 11-16 and 18-23 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 3 over Baran in view of Nakamura

In the Office Action, claim 3 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over Baran in view of Nakamura et al., U.S. Patent No. 5,781,310 ("Nakamura"). The Applicants respectfully traverse the rejection.

Claim 3 is dependent on claim 1, and is allowable for at least the same reasons as claim 1.

Claim 3 recites textually converted data that is sender information in a header and textually converted data that is transmitted in place of a default header.

As discussed above, Baran fails to disclose or suggest textually converted data that is sender information in a header and textually converted data that is transmitted in place of a default header, as recited by claim 3.

The Office Action relies on Nakamura to alleged make up for the deficiencies in Baran to arrive at the claimed invention. The Applicants respectfully disagree.

Nakamura appears to disclose a copying system in which an image inputting unit and an image outputting unit are connected via a conventional data transmission path (Abstract). A color image sensor device scans a reference white plate first, and background data obtained by scanning the reference white plate (Nakamura, col. 5, lines 29-31). Data scanned thereafter is corrected in accordance with the background data (Nakamura, col. 5, lines 34-36).

Nakamura discloses scanning a reference white plate to calibrate a scanner, having nothing to do with a transmitting textually converted data, much less disclose or suggest textually converted data that is sender information in a header and textually converted data that is transmitted in place of a default header, as recited by claim 3.

Neither Baran nor Nakamura, either alone or in combination, disclose, teach or suggest textually converted data that is sender information in a header and textually converted data that is transmitted in place of a default header, as recited by claim 3.

Accordingly, for at least all the above reasons, claim 3 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 4, 10 and 17 over Baran in view of Nakamura and Eguchi

In the Office Action, claim 4 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over Baran in view of Nakamura, and further in view of Eguchi, U.S. Patent No. 6,219,150 ("Eguchi"), and claims 10 and 17 rejected under 35 U.S.C. §103(a) as allegedly being obvious over Baran in view of Eguchi. The Applicants respectfully traverse the rejection.

Claim 4, 10 and 17 are dependent on claims 1, 5 and 12 respectively, and are allowable for at least the same reasons as claims 1, 5 and 12.

Claims 4, 10 and 17 recite textually converted data that is sender information in a header and textually converted data that is transmitted in place of a default header.

As discussed above, neither Baran nor Nakamura, either alone or in combination, disclose, teach or suggest textually converted data that is sender information in a header and textually converted data that is transmitted in place of a default header, as recited by claims 4, 10 and 17.

The Office Action relies on Eguchi to alleged make up for the deficiencies in Baran and Nagamura to arrive at the claimed invention. The Applicants respectfully disagree.

Eguchi appears to disclose a communication terminal device having an electronic mail function that is capable of reproducing a single original image even if it receives a plurality of electronic mails (Abstract). A main control unit refers to header information of each of received electronic mails to determine whether or not each of the electronic mails corresponds to an original image (Eguchi, col. 5, lines 7-13).

Eguchi discloses use of headers associated with electronic mail messages. However, the headers are **NOT** disclosed or suggested as based on and identified by textually converted information and data and are **NOT** transmitted in place of a default header, as recited by claims 4, 10 and 17.

Neither Baran, Nakamura nor Eguchi, either alone or in combination, disclose, teach or suggest textually converted data that is sender information in a header and textually converted data that is transmitted in place of a default header, as recited by claims 4, 10 and 17.

Accordingly, for at least all the above reasons, claims 4, 10 and 17 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Brief Discussion of Newly Cited Prior Art

As discussed above, subsequent to the interview conducted on March 25, 2005 the Examiner newly cited three prior art references, JP62269551, JP06030125 and U.S. Patent No. 5,461,488. Following is a brief summary of the newly cited prior art references that the Examiner **acknowledged** fail to disclose or suggest the claimed features.

JP62269551

JP62269551 discloses a system and method of sending a message within a header of a fax by inputting the message by a keyboard from an operator. JP62269551 fails to disclose textually converting data for use in a header, much less disclose or suggest textually convert data character that is transmitted in place of a default header.

JP06030125

JP06030125 discloses a system and method of extracting header information from a received fax for conversion to a voice signal for transmission to a telephone line. JP06030125 fails to disclose or suggest textually converting data that is transmitted, much less much less disclose or suggest textually convert data character that is transmitted in place of a default header.

U.S. Patent No. 5,461,488

U.S. Patent No. 5,461,488 discloses a fax system and method that optical character recognizes computer-generated cover sheets, hand written cover sheets, and translates a document from one language to another. However, U.S. Patent No. 5,461,488 fails to even mention use of a header, much less disclose or suggest textually convert data character that is transmitted in place of a default header.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,
MANELLI DENISON & SELTER PLLC

A handwritten signature in black ink, appearing to read "W H Bollman", written over a horizontal line.

William H. Bollman
Reg. No.: 36,457
Tel. (202) 261-1020
Fax. (202) 887-0336

2000 M Street, N.W. 7th Floor
Washington D.C. 20036-3307

WHB/df